

Appl. No. 09/887,887
Docket No. CM2385
Response dated 5/26/09
Reply to Office Action mailed on 12/23/08
Customer No. 27752

REMARKS

Claim Status

Claims 1-8, 10, 12, 14-17, 19-24, 26, 28 and 30-32 are currently under consideration.

Rejection Under 35 USC §103(a)

Claims 1-8, 10, 12, 14-17, 19-24, 26, 28 and 30-32 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 6,716,805 B1 to Sherry et al. (hereinafter "Sherry") in view of U.S. Patent 4,755,421 to Manning et al. (hereinafter "Manning"). Applicants respectfully traverse the rejection. This rejection is traversed because Sherry is not available as prior art against the present application under 35 USC §103(c).

Sherry has a filing date of September 27, 2000 and it issued on April 6, 2004. The present application has a priority date of June 22, 2001. This means Sherry only qualifies as prior art under 35 USC §102(e). Furthermore, the present application and Sherry were, at the time the claimed invention was made, owned by, or subject to an obligation of assignment to, The Procter & Gamble Company.

Therefore, since the current application has a filing date after November 29, 1999 (the effective date of 35 USC §103(c)), It is contended that Sherry is not available as a reference under 35 USC §103(c).

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Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference. In view of the foregoing, reconsideration of this application, and allowance of the pending claim is respectfully requested.

Respectfully submitted,

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Dated: May 26, 2009
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